

## Message Text

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ACTION DLOS-06

INFO OCT-01 AF-08 NEA-10 IO-13 ISO-00 ACDA-07 AGR-05

AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 SAL-01 NSCE-00 SSO-00 USIE-00 INRE-00 ARA-06

EA-07 EUR-12 /151 W

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O R 270900Z JUL 76

FM AMEMBASSY DAKAR

TO SECSTATE WASHDC IMMEDIATE 5953

INFO AMEMBASSY ABIDJAN

AMCONSUL CASABLANCA

AMEMBASSY COLOMBO

AMEMBASSY CONAKRY

AMEMBASSY FREETOWN

USMISSION GENEVA

AMEMBASSY KINSHASA

AMEMBASSY LAGOS

AMEMBASSY MONROVIA

AMEMBASSY NOUAKCHOTT

USMISSION USUN NEW YORK

AMEMBASSY BANJUL BY POUCH

AMEMBASSY BISSAU BY POUCH

C O N F I D E N T I A L SECTION 1 OF 2 DAKAR 4770

CASABLANCA FOR REGIONAL FISHERIES ATTACHE

E.O. 11652: GDS

TAGS: PLOS, SG

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SUBJ: LOS: SENEGALESE EXTEND TERRIROTIAL WATERS AND ECONOMIC

ZONE; GOS VIEWS ON FOURTH SESSION OF LOS CONFERENCE

REF: A. STATE 175304; B. TEL AVIV 4640, C. DAKAR 1035,  
D. DAKAR 2285

1. SUMMARY. GOS IS ENFORCING 150-MILE TERRITORIAL WATERS AND 200-MILE EXCLUSIVE ECONOMIC ZONE. SENEGALESE FOREIGN MINISTER SEES NATIONAL INTERESTS WU BEING PROTECTED BY NEW YORK LOS TEXTS AND BY NEW OFFSHORE LIMITS. CITING SECRETARY KISSINGER'S ADDRESS, HE HAS WARNED GOS CABINET THAT US MIGHT GIVE GO-AHEAD TO IMPATIENT MULTINATIONALS FOR SEABED EXPLOITATION, IF LOS ACCORD IS NOT REACHED THIS YEAR. IN 4TH SESSION RESULTS, SECK SAW POSITIVE EVOLUTION IN FAVOR OF LDC'S AND COASTAL STATES. GOS OFFICIALS MAY BE EXPECTED TO CONTINUE TO GIVE US PROPOSALS RECEPTIVE HEARING, BUT THEIR SUPPORT WILL BE CONTINGENT UPON DEGREE TO WHICH COASTAL STATE FISHING INTERESTS ARE PROTECTED AND GROUP OF 77 SOLIDARITY CAN BE MAINTAINED. END SUMMARY.

2. STATUTE DESCRIBED REFEELS C AND D FIXING SENEGALESE TERRITORIAL WATERS AT 150 NAUTICAL MILES AND ESTABLISHING EXCLUSIVE ECONOMIC ZONE OF 200 NAUTICAL MILES WAS SIGNED BY PRESIDENT SENGHOR AND PUBLISHED IN OFFICIAL JOURNAL DATED MAY 15, 1976. LAW STATES THAT "OVER ALL THE AREA OF HWE TERRITORIAL WATERS AND THE CONTINENTAL SHELF, SENEGAL EXERCISES ITS SOVEREIGN AND EXCLUSIVE RIGHTS FOR PURPOSES OF THEIR EXPLORWION AND EXPLOITATION OF THEIR NATURAL RESOURCES." CONTINENTAL SHELF IS DEFINED AS "SEA BED AND SUBSTRATUM OF THE SUBMARINE ZONES WHICH EXTEND BEYOND THE TERRITORIAL SEA OVER ALL THE AREA OF THE NATURAL EXTENSION

OF THE TERRITORY OF LAND, OR AS FAR AS A DISTANCE OF 200 NAUTICAL MILES FROM THE BASE LINES FROM WHICH IS MEASURED THE QIDTY\*#THE TERRITORIAL SEA WAEN THE OUTER EDGE OF THE CONTINENTAL MARGIN (MARGE) DOES NOT EXTEND BEYOND THAT DISTANCE."

OWEVER, OFFICIAL STATEMENT EX-  
PLAINING LAW STATES THAT SENEGAL,  
YALHWO#ITS PRINCIPLES  
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OF PEACE ANDHIESPECT FOR INTERNIONAL LAW --- DEFERS TO (SE RANGE A) ANY DECISION EVENTUALLY TAKEN BY THE UN ON "LAW OF THE SEA." EMBASSY IS POUCHING TEXT OF PUBLISHED STATUTE UNDER AIRGRAM.  
LEM WITH ENFORCEMEN IOF THESE CLAIMS BY GOS, BOATS FISHING WITHIN 200 MILE JURISDICTION FROM COUNTRIES WHICH K DO NOT HAVE FISHING AGREEMENTS WITH SENEGAL DE SUSCEPTIBLE TO SEIZURE. MINISTRY OF INTERIOR HAS RADIO-EQUIPPED FRENCH

MARITIME RESCUE PLANE AT ITS DRYDOCK WHICH PROVIDES SOME PATROL CAPABILITY; EMBASSY HAS HEARD REPORT THAT IVORIAN BOATS HAVE BEEN SEIZED RECENTLY. FISHING COMPANIES SHOULD BE MADE AWARE OF PRESENT CLAIMED SENEGALESE JURISDICTION.

4. IN JULY 20 CABINET MEETING, FOREIGN MINISTER ASSANE SECK DISCUSSED RESULTS OF MARCH 15-MAY 8 SESSION OF LOS CONFERENCE. HE SAID IT HAD HAD "DECISIVE IMPORTANCE" AND GENERAL ACCORD WAS CLOSE ON TERRITORIAL WATERS, EXCLUSIVE ECONOMIC ZONE AND POLLUTION, THOUGH PROBLEMS REMAINED ON STRAITS PASSAGE, DEEP SEABED AUTHORITY, AND SCIENTIFIC RESEARCH. OFFICIAL COMMENTARY ON CABINET MEETING STATES THAT "SENEGAL'S LEGITIMATE INTERESTS ARE LARGELY COVERED BY THE NEW YORK TEXTS" AND BY NEW DOMESTIC LAW ON TERRITORIAL WATERS AND CONTINENTAL SHELF (AND CONCURRENT DENUNCIATION BY SENEGAL OF CONVENTION CONTINENTAL SHELF).

5. CONCERNING EXPLOITATION OF SEABED MINERALS, SECK REPORTEDLY TOLD CABINET THAT "THE AMERICANS HAVE MADE IT CLEARLY KNOWN, BY THE VOICE OF SECRETARY HENRY KISSINGER HIMSELF, THAT, FAILING AN ACCORD BEFORE THE END OF THIS YEAR, THE AMERICAN CONGRESS COULD BE LED TO GIVE THE GO-AHEAD TO THE MULTINATIONAL CORPORATIONS WHICH... ARE IMPATIENTLY CHIPPING AT THE BIT." HE SAID "KISSINGER'S THREAT WAS NO EMPTY, SINCE SEVERAL DEVELOPING COUNTRIES SUCH AS BRAZIL, ARGENTINA, AND INDIA HAVE DRAWN NOTICEABLY CLOSER TO THE AMERICAN POSITION, THEREBY CRACKING A FISSURE IN THE GROUP OF NATIONS WHICH HAD FAVORED A MONOPOLY OVER ALL EXPLOITATION BY THE INTERNATIONAL AUTHORITY AND DENYING THAT, FAVORED RESERVING THREE-FOURTHS OF MINERAL RESERVES

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FOR DEVELOPED COUNTRIES." ACCENT HAD BEEN PLACED ON DEVISING COMPROMISE TO PROTECT COMMERCIAL INTERESTS OVER

NOTE BY OC/T: # AS RECEIVED CORRECTION TO FOLLOW.

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ACTION DLOS-06

INFO OCT-01 AF-08 NEA-10 IO-13 ISO-00 ACDA-07 AGR-05

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NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 SAL-01 NSCE-00 SSO-00 USIE-00 INRE-00 ARA-06

EA-07 EUR-12 /151 W

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O R 270900Z JUL 76

FM AMEMBASSY DAKAR

TO SECSTATE WASHDC IMMEDIATE 5954

INFO AMEMBASSY ABIDJAN

AMCONSUL CASABLANCA

AMEMBASSY COLOMBO

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USMISSION USUN NEW YORK

AMEMBASSY BANJUL BY POUCH

AMEMBASSY BISSAU BY POUCH

C O N F I D E N T I A L SECTION 2 OF 2 DAKAR 4770

CASABLANCA FOR REGIONAL FISHERIES ATTACHE

PRODUCERS OF RAW MATERIALS CONTAINED IN SEABED DEPOSITS

SUCHAS COPPER, MANGANESE, NICKEL AND COBALT. SECK SAID

THAT COUNTRIES SUCH AS ZAMBIA, CHILE, ZAIRE AND

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OTHERS WHICH COULD BE RUINED BY EXPLOITATION OF SEABED

DEPOSITS FAVORED, WITH GROUP OF 77 SUPPORT, "PREVENTIVE SOLU-

TION", TO MINIMIZE UNFAVORABLE REPERCUSSIONS ON THEIR

RESOURCES.

6. SECK CITED AS MOST CONTROVERSIAL QUESTIONS THOSE CONCERNING PARTICIPATION OF LAND-LOCKED STATES IN EXPLOITATION OF EXCLUSIVE ECONOMIC ZONE RESOURCES AND THEIR RIGHT OF ACCESS TO SEA. WHILE REGRETTING ABSENCE OF ACCORD ON SCIENTIFIC RESEARCH, SECK SAID ISSUE HAD EVOLVED IN FAVOR OF LDC'S; REVISED TEXT HAD TAKEN INTO ACCOUNT GROUP OF 77 AMENDMENTS IN REMOVING DISTINCTION BETWEEN BASIC AND APPLIED RESEARCH, PRIOR CONSENT OF COASTAL STATE THUS BEING REQUIRED BEFORE ANY RESEARCH WITHIN ITS JURISDICTION. EVEN BETTER, HE SAID, COASTAL STATE WOULD HAVE AUTHORITY TO TERMINATE RESEARCH AUTHORIZATIONS PREVIOUSLY GRANTED AND TO PARTICIPATE IN RESPONSIBLE MANNER IN RESEARCH ACTIVITIES.

7. EMBASSY IS UNAWARE OF OTHER DEVELOPMENTS IN GOS LOS AFFAIRS SINCE CONCLUSION OF 4TH SESSION IN MAY AND AMB. LEARSON'S JUNE 26 DISCUSSIONS WITH AMB. CISSE (REF B). CONCERNING OTHER QUESTIONS RAISED REF A, FONMIN SECK REFLECTS SENEGAL'S GENERAL POLICIES OF DIALOGUE AND CONCILIATION IN ITS FOREIGN RELATIONS. CURRENT TONE OF US/GOS BILATERAL CONSULTATION IS

UPBEAT AND POSITIVE. FROM SECK, AS FROM OTHER SENIOR SENEGALESE OFFICIALS, WE WOULD EXPECT RECEPTIVE HEARING FOR US LOS PROPOSALS, AS HAS BEEN THE CASE IN THOSE NEGOTIATIONS TO DATE. HOWEVER, EXTENT OF GOS "SYMPATHY" TOWARD US CONCERNS WILL BE DICTATED BY PERCEIVED COMPLEMENTARITY OF US PROPOSALS WITH SENEGALESE INTERESTS. SENEGAL RECOGNIZES IMPORTANCE OF BRINGING LOS NEGOTIATIONS TO CONCLUSION THIS YEAR, PROVIDING THAT FISHING INTERESTS OF COASTAL STATES ARE ADEQUATELY PROTECTED AND MODICUM OF G-77 SOLIDARITY CAN BE PRESERVED IN ACCEPTING FINAL ACCORDS.

8. WE ARE UNAWARE OF SIGNIFICANT DIFFERENCES ON LOS ISSUES BETWEEN FONMIN SECK AND LOS DELEGATION HEAD CISSE, WHO IS COMPETENT CAREER DIPLOMAT AND UNCHALLENGED GOS EXPERT ON

CURRENT LOS NEGOTIATIONS. ACCORDING TO DOUDOU DIOP, DIRECTOR OF FOREIGN MINISTRY'S LEGAL AND CONSULAR DIVISION, SECK WILL NOT BE ATTENDING 5TH LOS SESSION; DIOP LEAVES DAKAR JULY 30 FOR NEW YORK.

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## Message Attributes

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**Decaption Date:** 01 JAN 1960  
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**Review Action:** RELEASED, APPROVED  
**Review Authority:** saccheem  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 10 MAY 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <10 MAY 2004 by buchant0>; APPROVED <22 SEP 2004 by saccheem>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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**TAGS:** PLOS, SG  
**To:** SECSTATE WASHDC ABIDJAN CASABLANCA COLOMBO CONAKRY FREETOWN GENEVA KINSHASA  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006